

UNITED NATIONS D

question OIOS or any exceptional circumstances within the meaning of the cited jurisprudence.

7. The Tribunal notes that the Ethics Office's 19 November 2020 determination concludes, pursuant to sec. 8.4 of ST/SGB/2017/2/Rev.1 (Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits), that no retaliation was established. This determination was based upon QKQU's report of 13 November 2020.

8. The Applicant challenges the lawfulness of the contested decision on several grounds. In particular, she alleges that OIOS failed to interview her in the course of the investigation, that OIOS relied on uncorroborated hearsay evidence and that the investigation was unduly delayed.

9. The Tribunal further notes that the 19 November 2020 determination provides some detail of the OIOS findings. However, the Tribunal does not deem this information sufficient to allow the Applicant to mount an informed appeal, nor does it permit the Tribunal to determine whether the contested administrative decision was taken in compliance with the applicable procedure.

10. The Tribunal understands that the Respondent refers in fact to *Ivanov* UNDT/2014/117 (para. 54), where the Dispute Tribunal found that the decision to provide an aggrieved individual with a copy of an investigation report requires the identification of exceptional circumstances.

11. The Tribunal observes that in *Ivanov*, the applicant requested access to a report of an investigation conducted under ST/SGB/2008/5 (Prohibition of discrimination, harassment, including sexual harassment and abuse of authority). Section 5.18(a) of this bulletin stated that when no prohibited conduct is established, the responsible official provides the aggrieved individual with a summary of the findings and conclusions of the investigation.

12. The current case, however, is governed by ST/SGB/2017/2/Rev.1 which provides, in sec. 7.2, that the Ethics Office maintains the confidentiality of all communications received from complainants and from all relevant parties but may be required to cooperate with requests for information from, among others, the Dispute Tribunal.

he may choose to file a redacted version of the report to be disclosed to the Applicant along with an *ex parte* wptgf cevgf "xgtukqp"qh'yj g'tgr qt v'ht "yj g"Vtkdwpçm'u'tgxky

22. "Wf qp" tgegk v" qh" vj g" Cr r nēcpwū" uwdo kākpu." the Tribunal will issue any further instructions on case management.

(Signed)

Judge Joelle Adda

Dated this 27th day of August 2021